

AO245B Amended Judgment in a Criminal Case (Rev. 06/05)  
Sheet 1

(NOTE: Identify Changes with Asterisks (\*))

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WESTERN DISTRICT OF LOUISIANA

## United States District Court

## Western District of Louisiana

LAKE CHARLES DIVISION

UNITED STATES OF AMERICA

AMENDED JUDGMENT IN A CRIMINAL CASE

V.

DANIEL TRAVIS PHILLIPS

Case Number: 2:08-CR-00108-001 (indictment)  
and  
2:08-CR-00352-001 (information)

USM Number: 20903-045

Robert M. McHale, Jr. \*Joseph R. Streva, Jr.  
Defendant's AttorneyDate of Original Judgment: 03/31/2009  
(or Date of Last Amended Judgment)

## Reason for Amendment:

Correction of Sentence on Remand (Fed.R. Crim.P.35(a))

## THE DEFENDANT:

- ☒ pleaded guilty to count(s): 1,2,3, of the indictment and 1 of the bill of information  
☐ pleaded nolo contendere to count(s) \_\_\_ which was accepted by the court.  
☐ was found guilty on count(s) \_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>	<u>Date Offense Concluded</u>
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See next page.

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_.
- ☒ Count(s) 4-8 of the Indictment in 2:08-CR-00108-001. ☐ is ☒ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and the United States attorney of any material changes in the defendant's economic circumstances.

## COPY SENT:

DATE: 10-14-11  
BY: JB  
TO: JULP-HC

03/31/2009 \*10/06/2011

Date of Imposition of Judgment

Signature of Judicial Officer

PATRICIA MINALDI, United States District Judge  
Name & Title of Judicial Officer

Date

10/13/11

DEFENDANT: DANIEL TRAVIS PHILLIPS  
CASE NUMBER: 2:08-CR-00108-001 and 2:08-CR-00352-001

**ADDITIONAL COUNTS OF CONVICTION**

<b><u>Title &amp; Section</u></b>	<b><u>Nature of Offense</u></b>	<b><u>Date Offense Concluded</u></b>	<b><u>Count Number(s)</u></b>
INDICTMENT 18 USC § 875(c)	Transmitting Threatening Communications in Interstate Commerce	01/29/2008	1
18 USC § 875(c)	Transmitting Threatening Communications in Interstate Commerce	01/30/2008	2
18 USC § 875(c)	Transmitting Threatening Communications in Interstate Commerce	01/30/2008	3
INFORMATION 18 USC § 1029(A)(3)	Unauthorized Possession of Fifteen or More Access Devices with the Intent to Defraud	10/31/2005	1

DEFENDANT: DANIEL TRAVIS PHILLIPS  
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## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 92 months, with credit for time served. amended to \*60 months with credit for time served.

46 months on counts 1,2, and 3 of the indictment, to run concurrent

\*60 months on counts 1,2, and 3 of the indictment, to run concurrent

46 months on count 1 of the bill of information, to run consecutive to the sentences imposed on counts 1,2, and 3 of the indictment.

\*60 months on count 1 of the bill of information, to run concurrent to the sentences imposed on counts 1,2, and 3 of the indictment.

If the defendant has any other charges that involve this same conduct, the sentences are to run consecutively.

\*If the defendant has any other charges that involve this same conduct, the sentences are to run concurrently.

☒ The court makes the following recommendations to the Bureau of Prisons:

The defendant be housed in a facility that offers the most intense drug treatment possible.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_ ☐ a.m. ☐ p.m. on \_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: DANIEL TRAVIS PHILLIPS  
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### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.  
3 years on counts 1, 2, and 3 of the indictment and 3 years on count 1 of the bill of information, all to run concurrently.

### MANDATORY CONDITIONS (MC)

1. The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. The defendant shall not commit another federal, state, or local crime.
3. The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
5. ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
6. ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
7. ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
8. ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)
9. If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.
10. The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION (SC)

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### **SPECIAL CONDITIONS OF SUPERVISION (SP)**

- 1) Shall not possess a firearm, destructive device or illegal substance.
- 2) Shall participate in substance abuse counseling and treatment as directed by the U.S. Probation Office to include urinalysis, at the defendant's cost.
- 3) Shall participate in mental health counseling as directed by the Probation Officer, and at the defendant's cost.

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: DANIEL TRAVIS PHILLIPS  
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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 400.00 due immediately, balance due
- ☐ not later than \_\_, or  
☐ in accordance with ☐ C, ☐ D, or ☐ E or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_ over a period of \_\_ (e.g., months or years), to commence \_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_ over a period of \_\_ (e.g., months or years), to commence \_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.